

*SECRET*

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of )  
Paul E. Bender ) For: Method and Apparatus for  
Serial No. 09/653,744 ) Gated ACK/NAK Channel  
Filed: September 1, 2000 ) in a Communication System  
Group Art Unit: 2664

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Assistant Commissioner of Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts of Application - Filing Date  
Granted under 37 CFR § 1.53(d), which was mailed on November 2, 2000 enclosed are:

I hereby certify that this correspondence is being  
deposited with the United States Postal Service  
as first class mail in an envelope addressed to the  
Commissioner of Patents, Washington, D.C.  
20231, on:

November 15, 2000

(Date of Deposit)

Carola Emelius Swartz

(Name of the Person Making Deposit)

(Signature)

November 15, 2000

(Date of Signature)

*June 15,*

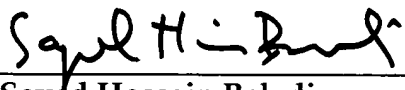
1. Office's copy of Formalities Letter as required;
2. Executed Declaration/Power of Attorney;
3. Return postcard.

Please charge Deposit Account No. 17 - 0026 of QUALCOMM Incorporated in the amount of \$130.00. The Commissioner is further hereby authorized to charge to said Deposit Account No. 17 - 0026, pursuant to 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

A duplicate copy of this letter is enclosed.

Respectfully submitted,

Dated: November 15, 2000

By:   
Sayed Hossain Beladi  
Attorney for Applicant  
Registration No. 42,311

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 651-4470  
Facsimile: (858) 658-2502

## MEMORANDUM

TO: Office of Initial Patent Examination  
ATTN: Tom Koontz

FROM: PETITIONS (DEREK L. WOODS, 305-0014)

RE: Application Number 09/653,744 and 09/653,745

DATE: September 3, 2003

Mr. Koontz, the above applications, filed on the same day and having the same inventor, have defective oaths/declarations. Initially the applications were filed with unexecuted oaths/declarations, and Notices to File Missing Parts were mailed on November 2, 2002. Applicant responded to the Notices with oaths/declarations that had the correct serial numbers for the file that they were placed in, but titles and attorney docket numbers were wrong – they each contained attorney docket numbers and titles of the other file. We apparently also sent a corrected filing receipt in response to the oaths/declarations that were filed.

In an effort to work directly with the Applicant to resolve this, I telephoned the Applicant, who became irate. Unable to proceed, my supervisor requested that Petitions Attorney Christina Donnell telephone Applicant, who was again irate. We then went to OPLA and asked Fred Silverberg to telephone Applicant to try and resolve the problem, but to no avail. Applicant requests written notification of his defective oaths/declarations, since he has a corrected filing receipt and no other written indication from this Office that there is a problem with the oaths/declarations that he filed.

Please either issue 1) new Notices to File Missing Parts and/or withdraw the corrected filing receipts, which would give the Applicant time to correct the mistake, or 2) Notices of Abandonment for failure to comply with the Notices to File Missing Parts that were mailed on November 2, 2002.

Please call with any questions. Thanks.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/653,744	09/01/2000	Paul E. Bender	PA000325

Qualcomm Incorporated  
5775 Morehouse Drive  
San Diego, CA 92121-1714



## FORMALITIES LETTER



\*OC000000005527774\*

Date Mailed: 11/02/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

NOV 10 2000

11/21/2000 STEFFERA 00000119 170026 09553744

01 FC:105 130.00 CH

STAMP HEREON ACKNOWLEDGES RECEIPT OF THE FOLLOWING IN THE  
U.S. PATENT AND TRADEMARK OFFICE (Mailed: NOVEMBER 15, 2000)

Docket No.: PA000325      SHB/LME  
ENCLOSED ARE:  
ASSIGNMENT RECORDATION COVER SHEET;  
ASSIGNMENT, and POSTCARD.

APPLICANT: PAUL E. BENDER  
ASSIGNEE: QUALCOMM Incorporated  
SERIAL NO. 09/653,744  
FILED: SEPTEMBER 1, 2000  
FOR: METHOD AND APPARATUS FOR GATED ACK/NAK CHANNEL  
IN A COMMUNICATION SYSTEM

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STAMP HERE SHOWING RECEIPT (THANK YOU):

STAMP HEREON ACKNOWLEDGES RECEIPT OF THE FOLLOWING IN THE  
U.S. PATENT AND TRADEMARK OFFICE (Mailed: NOVEMBER 15, 2000)

Docket No.: PA000325 SHB/EME

ENCLOSED ARE: FORMALITIES LETTER NOTICE TO FILE MISSING PARTS;  
MISSING PARTS TRANSMITTAL LETTER (in duplicate); DECLARATION/POWER OF  
ATTORNEY; REQUEST FOR CORRECTION OF OFFICIAL FILING RECEIPT, COPY  
OF INCORRECT FILING RECEIPT, COPY OF INITIAL FILED UNSIGNED DECLARATION/  
POWER OF ATTORNEY; and POSTCARD.

APPLICANT: PAUL E. BENDER  
ASSIGNEE: QUALCOMM Incorporated  
SERIAL NO. 09/653,744  
FILED: SEPTEMBER 1, 2000  
FOR: METHOD AND APPARATUS FOR GATED ACK/NAK CHANNEL IN A  
COMMUNICATION SYTEM  
STAMP HERE SHOWING RECEIPT (THANK YOU):